

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Cynthia A. LEAL-Solorzano
AKA: Patricia McArthur RUE

Defendant.

'08 MJ 1509

Magistrate Case No. _____

2008 MAY 15 AM 10:08

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1324(a)(2)(B)(iii) **YNH**
Bringing in Illegal Alien(s)
Without Presentation

Title 18, U.S.C., Section 1544
Misuse of Passport

The undersigned complainant being duly sworn states:

Count I

On or about **May 14, 2008**, within the Southern District of California, defendant **Cynthia A. LEAL-Solorzano AKA: Patricia McArthur RUE**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Simeon HERNANDEZ-Garcia, Cristina GABRIEL-Juan and Flor JARQUIN-Reyes**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

Count II

On or about **May 14, 2008**, within the Southern District of California, defendant **Cynthia A. LEAL-Solorzano AKA: Patricia McArthur RUE**, did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting U.S. Passport number 427736394, issued to Patricia McArthur Rue, to a Department of Homeland Security, Customs and Border Protection Officer, knowing full well that she was not Patricia McArthur Rue, that the passport was not issued or designed for her use, and that she is not a United States citizen entitled to a U.S. Passport. All in violation of Title 18, United States Code, Section 1544.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 15th DAY OF MAY, 2008.

UNITED STATES MAGISTRATE JUDGE
CATHY ANN BENCIVENGO

Suf

PROBABLE CAUSE STATEMENT

The complainant states that **Simeon HERNANDEZ-Garcia, Cristina GABRIEL-Juan, and Flor JARQUIN-Reyes** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On May 14, 2008 at approximately 10:00 AM, **Cynthia A. LEAL-Solorzano AKA: Patricia McArthur RUE (Defendant)** made application for admission into the United States at the San Ysidro Port of Entry as the driver and sole visible occupant of a 2002 Chevrolet Suburban. Defendant presented a photo-altered United States Passport bearing the name Patricia McArthur Rue to a Customs and Border Protection (CBP) Officer. Defendant also presented a counterfeit California driver license and a counterfeit vehicle registration. Defendant stated she was not bringing anything from Mexico. The CBP Officer conducted a visual inspection of the interior of the vehicle and discovered human beings concealed in the cargo area covered by black pieces of cloth. The vehicle and its occupants were subsequently escorted to secondary for further inspection.

In secondary, CBP Officers removed ten human beings concealed in the cargo and floor of the vehicle. The concealed persons were determined to be citizens of Mexico without entitlements to enter the United States. Three individuals were retained as a Material Witnesses and are now identified as: **Simeon HERNANDEZ-Garcia (MW1), Cristina GABRIEL-Juan (MW2), and Flor JARQUIN-Reyes (MW3).**

During a video recorded interview, Defendant was advised of her Miranda Rights, acknowledged her rights and elected to answer questions without the benefit of counsel. Defendant admitted knowledge of the concealed aliens. Defendant stated she was to receive \$2000.00 USD if she were successful with the smuggling act. Defendant stated she was to deliver the vehicle to a Denny's restaurant in San Diego, California.

Defendant was questioned in regard to the photo-altered United States passport presented to the primary CBP Officer. Defendant admitted she is a citizen of Mexico without legal rights or documents to enter the United States. Defendant admitted willfully and knowingly using a United States passport designated for the use of another person to gain admission into the United States. Defendant stated that one day prior, her photograph was taken and later she was given the United States Passport containing her photo in place of the lawful owner for the purpose of attempting illegal entry into the United States.

During separate video recorded interviews, Material Witnesses admitted they are citizens of Mexico without legal rights or documents to enter the United States. MW1 stated he was to pay \$3000.00 USD for him and MW2 to be smuggled into the United States. MW3 stated she was to pay an unknown amount for her to be smuggled into the United States. Material Witnesses stated they were traveling to the United States to seek employment and residency.